

• • R E M A R K S / A R G U M E N T S • •

By the Present Preliminary Amendment independent claim 1 has been rewritten as new independent claim 4 and claims 2 and 3 have been changed to be dependent thereon.

New independent claim 4 recites that the lump of seeds is collected from a natural environment and that the fluffy fibers are burned in a single burning step.

The limitation that the lump of seeds is collected from a natural environment has been made to distinguish over the Board of Appeals' January 12, 2004 position in parent application Serial No. 09/587,873 that:

Pogue's step of gathering seeds in the hopper meets the step in claim 1 of collecting a lump consisting of a plurality of seeds having fluffy fibers.

Together with the Board's decision that:

Collected in the hopper, the seeds will, by virtue of the fibrous hairs, bunch to at least some degree to effectively form a lump...

Applicants' method, as more clearly recited in independent claim 4, requires that the lump of seeds be collected from a natural environment. This excludes Pogue who, according to the Board, forms seed lumps after the seeds are placed in the hopper.

Support for the limitation that the lumps of seeds are collected in a natural environment can be found on page 1 of applicants' specification where applicants described that "upon cultivation...the fluffy fibers of the seeds are in a tangle with each other among the seeds."

The limitation in independent claim 4 that the fluffy fibers are burnt off in a single burning step has been added in response to the Board of Appeals' position that:

..claim 1 does not contain any limitation which requires a single burning step or which excludes or is otherwise inconsistent with the multiple burning steps disclosed by Pogue.

Clearly the Board recognizes that Pogue requires a multiple burning process which is excluded by applicants' claim 4.

Support for the recitation of a single burning step in claim 4 can be found in applicants' examples beginning on page 4 of the specification.

Entry of the present Preliminary Amendment prior to the examination of the present application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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